THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19609 of 2007

Date:13-11-2007

Between:

Mule Adilakshmamma and
another

…Petitioners

AND

The District Collector, Nellore and two others

..
Respondents

-

ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in interfering with their possession and enjoyment over the agricultural dry land in an extent of Ac.5.00 guntas in Sy.No.428/3 situated at Gumparlapadu village, A.S.Peta mandal, Nellore District covered by D-Form patta No.283, without following the due procedure, as illegal and arbitrary.

It is the case of the petitioners that the first petitioner is the daughter of Yemireddy Veeraiah and the second petitioner is the daughter of another daughter of Yemireddy Veeraiah. It is stated that the said Veeraiah was assigned land an extent of Ac.5.00 guntas in Sy.No.428/3 situated at Gumparlapadu village, A.S.Pet Mandal, Nellore District. After the death of the original assignee, the first petitioner being the daughter and the second petitioner being the pre-deceased daughter's daughter of said Veeraiah divided the said land into two halves and enjoying the same.

While so, when the third parties interfered with their possession, the petitioners have filed the suit and obtained injunction. It is stated that there was no violation of any terms and conditions of the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act (for short 'the Act').

However, if there is any violation of the said Act, without following any due procedure prescribed under law, the petitioners cannot be dispossessed.

It is further stated that having suffered an injunction at the instance of the third party, the revenue authorities are threatening to

dispossess the petitioners and therefore, the petitioners are said to have made a representation, dated 20.08.2007 and thereafter, they have also made another representation on 27.09.2007.

I am not inclined to express any opinion with regard to the merits of the case as to whether the petitioners are the successors of the said original assignee and whether there was any violation of any of the provisions of the Act. However, if the petitioners are in possession of the said land, I am of the opinion that they cannot be dispossessed without following due process of law.

With the aforesaid observations, the writ petition is disposed of. There shall be no order as to costs.

_____

V.ESWARAIAH, J.

Date:13.11.2007
ccm